REMARKS

Applicants have carefully reviewed the Office Action dated November 21, 2002. Applicants have amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 2, rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,761,606, *Wolzien*, in view of U.S. Patent No. 5,978,773, *Hudetz et. al.* and further in view of U.S. Patent No. 6,374,237D1, *Reese*. This rejection is respectfully traversed as follows.

Applicants have amended Claim 1 to clarify that the "broadcast of the audio signal causes both a connection to the advertiser's location on the network and a push of profile information thereto." Briefly, the method of Claim 1 for advertising over a network and broadcast media combination includes the steps of receiving at a user's location on the network an audio signal from a broadcast generated by an advertiser, which audio signal has embedded therein unique coded information; extracting the unique coded information from the audio signal; connecting the user's computer to an advertiser's location in response to the step of extracting, the advertiser's location being correlated to the unique coded information; causing profile information of the user to be sent to the advertiser's location over the network in response to the step of connecting; and, generating and forwarding information based upon the user's profile forwarded to the advertiser's location. The foregoing steps are performed in sequence without user intervention wherein the broadcast of the audio signal causes both a connection to the advertiser's location on the network and a push of profile information thereto.

In the present *Office Action Reese* and *Hudetz* are added to *Wolzien* in order to suggest how *Wolzien* could be modified in such a way that Applicants' Claim 1 could be read upon the combination of *Wolzien, Hudetz* and *Reese*. Applicants respectfully submit that this combination contains no motivation other than the template provided by Applicants' Claim 1. However, even if some motivation could be found within the combination there is a more serious problem with it because the combination does not disclose the limitation recited in Applicants' Claim 1 as amended "wherein broadcast of the

audio signal causes both a connection to the advertiser's location on the network and a push of profile information thereto. Applicants therefore respectfully submit that the combination of references presented in the present *Office Action* fails to anticipate or render obvious Applicants' Claim 1 as amended and respectfully request withdrawal of the objection.

Applicants respectfully point out a reference that was previously disclosed in the Information Disclosure Statement filed by Applicants on October 3, 2000, which is U.S. Patent No. 6,003,073 issued to *Solvason* on December 14, 1999. This reference appears similar to *Wolzien*, and in combination with *Reese*, would appear to teach the combination of Claim 1 substantially as claimed. However, the combination of *Reese* with *Solvason* has the same deficiency as the combination of *Wolzien, Hudetz* and *Reese* in that it does not disclose the limitation of Claim 1 as amended "wherein broadcast of the audio signal causes both a connection to the advertiser's location on the network and a push of profile information thereto." This combination of *Solvason* and *Reese* is presented as further evidence of the novelty and non-obviousness of Applicants' Claim 1 as amended.

Applicants now respond to the arguments presented in the present *Office Action* on behalf of the combination of *Wolzien, Hudetz* and *Reese* as follows. Regarding Claim 1, it is correctly asserted in the *Office Action* that *Wolzien* does not specifically teach connecting the user's computer to an advertiser's location without user intervention, and that *Hudetz* is presented as teaching this step. However, Applicants respectfully point out that *Hudetz* also does not disclose the requirement that the "broadcast of the audio signal causes both a connection to the advertiser's location on the network and a push of profile information thereto." Thus, *Hudetz* does not cure all of the deficiencies of *Wolzien*.
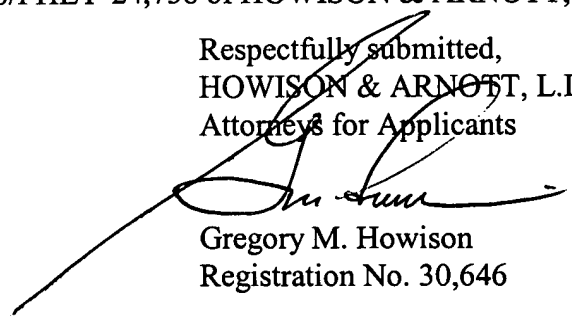
The *Office Action* further asserts correctly that *Wolzien-Hudetz* do not "specifically teach the step of connecting causing profile information of the user to be sent to the advertiser's location over the network . . ." However, Applicants respectfully submit that *Reese* fails to supply the disclosure missing in *Wolzien-Hudetz* because *Reese* does not disclose a causal relationship between the step of connecting and the sending of profile information of the user to the advertiser's location over the network. In *Reese*, the profile information is sent after, and not caused by, the step of connecting because of several intervening steps which must be completed before the user sends the user profile information to the

matching servers. These intervening steps are, after the first step of connecting, (2) a request for data is sent by the client; (3) the server responds to the request by sending administrative data back to the client; (4) the server searches content sites to build a first data set; and (5) the user initiates a user profile request (as in Col. 3, line 33), which includes the steps shown in Figure 2 of submitting a user profile and sending the user profile as described in Col. 4, lines 6-11. The process of *Reese* is fully disclosed in Figures 1 and 2 and in the accompanying description from Col. 2, line 49 through Col. 4, line 21. After these steps 2-5 are completed, then in a sixth step the user sends the user profile to the matching server. It can be seen that *Reese* lacks a causal relationship between the connection of the user location to the server location and the sending of the user profile information to the server location. Thus, the connecting step of Applicants' Claim 1 does not read upon the *Reese* reference.

For the foregoing reasons, Applicants respectfully submit that Applicants' single independent Claim 1, as amended, is not anticipated or rendered unpatentable over the combination of *Wolzien*, *Hudetz* and *Reese* and respectfully request the withdrawal of this rejection. Further, Claim 2, which depends directly from base Claim 1 and contains all of the limitations of Claim 1, as amended, should likewise be allowable over the prior art of record. Therefore, Applicants respectfully request the withdrawal of the rejection of Claim 2, as amended, over the same combination of references presented in the *Office Action*.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,738 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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